

RICHARD C. JOHNSON (SBN 40881)  
JULIE A. OSTIL (SBN 215202)  
SHAAMINI A. BABU (SBN 230704)  
SALTZMAN & JOHNSON LAW CORPORATION  
44 Montgomery Street, Suite 2110  
San Francisco, CA 94104  
(415) 882-7900  
(415) 882-9287 – Facsimile  
djohnson@sjlawcorp.com  
jostil@sjlawcorp.com  
sbabu@sjlawcorp.com  
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PENSION PLAN FOR PENSION TRUST  
FUND FOR OPERATING ENGINEERS, et  
al.

Plaintiffs,

vs.

EAGLE PEAK ROCK & PAVING INC., et  
al.,

Defendants.

Case No.: CV 12-0804 JCS

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
ALL RELATED DEADLINES;  
~~PROPOSED~~ ORDER THEREON**

Date: June 1, 2012

Time: 1:30 p.m.

Courtroom G, 15th Floor

Judge: The Honorable Joseph C. Spero

Pursuant to Fed. R. Civ. P. Rule 6(b) and Civ. L.R. 6.1, the parties hereby stipulate as follows:

This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability amounts owed by Eagle Peak Rock & Paving Inc. (“Eagle Peak Paving”) to Plaintiffs Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns (“Plaintiffs”).

On February 17, 2012 Plaintiffs filed a Complaint in this matter. Docket 1. Service was effectuated on Defendants Eagle Peak Paving and Eagle Peak Rock Administration, Inc. (“Eagle Peak Administration”) on March 5, 2012. Docket 9-10. On April 18, 2012 an Answer to

Complaint was filed on behalf of all listed Defendants, Eagle Peak Paving, Eagle Peak Administration, and Anthony Glen Cruse (collectively "Defendants"). Docket 7.

Since the filing of the Answer, the parties have engaged in settlement discussions through their respective attorneys. As part of those settlement discussions, defendants have produced voluminous financial records which plaintiffs' counsel is in the process of reviewing.

The parties believe that the case may be able to be settled and wish to avoid incurring additional attorneys' fees and avoid inefficient use of the Court's time. Therefore, the parties request and stipulate that the Case Management Conference and all related deadlines be continued by approximately 60 days, to a date convenient for the Court's calendar, in order to allow the parties to explore the possibility of an early settlement.

Parties hereby stipulate that the Case Management Conference currently on calendar for June 1, 2012, 1:30 p.m., and all related deadlines, including ADR deadlines, be continued for 60 days.

Dated: May 10, 2012

SALTZMAN & JOHNSON LAW CORPORATION

By:                     /s/                      
Julie A. Ostil  
Attorneys for Plaintiff

Dated: May 10, 2012

Law Offices of Michael W. Jansen

By:                     /s/                      
Michael W. Jansen  
Attorneys for Defendants

### **ORDER**

IT IS SO ORDERED.

Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case Management Conference is hereby continued to July 27, 2012 at 1:30 p.m. All related deadlines, including ADR deadlines, are extended accordingly.

Date:   5/10/12  

THE HONORABLE JUDGE JOSEPH C. SPERO  
UNITED STATES DISTRICT COURT MAGISTRATE

